IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17018 of 2007(A)

PETITIONER:

N.S.KHADERKUNJU, NADUVELIKUDY HOUSE,
KUTTAMASSERY P.O., THOTTUMUGHAM, ALUVA.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:

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1. THE DEOUTY TAHSILDAR (R.R),
KERALA FINANCIAL CORPORATION, FINANCE TOWER
1ST FLOOR, KALOOR, COCHIN-17.

2. THE CHIEF MANAGER, KERALA FINANCIAL
CORPORATION, FINANCE TOWER I FLOOR,
KALOOR, COCHIN-17.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

R1 & R2 BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC
R3 BY G.P. SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LETTER NO. KFC/EKM/2967/589/-7 DATED 17.3.2007

EXT.P2 TRUE COPY OF THE CIRCULAR NO. 43972/H3/05/RD DATED 4.11.2005 ISSUED BY THE GOVERNMENT.

EXT.P3 TRUE COPY OF THE JUDGMENT DATED 4.4.2007 IN WPC 8216 OF 2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17018 OF 2007

Dated this the 11th day of June, 2007

JUDGMENT

Petitioner is granted OTS benefit to settle liability due to KFC. The amount payable under the OTS scheme is Rs. 25 lakhs, if paid on or before 6.6.2007. According to the petitioner, petitioner has remitted Rs. 4.5 lakhs and has applied for extension of time for payment. Nothing stops the KFC from extending the time for payment at least on condition of payment of interest. However, I make it clear that if extension of time is granted to the petitioner and petitioner makes payment within that time, no collection charges under Rule 5 of the RR Act will be recovered from the petitioner. If petitioner commits default OTS can be withdrawn and recovery can be made by coercive steps and in that event collection charges will also be collected from the petitioner. If collection charges is not recovered by the KFC, the State also cannot recover the same from the company.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge